

Hearing Date: April 20, 2022
Opposition Date: March 15, 2022
Reply Date: March 31, 2022

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtor in Foreign
Proceedings.

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

THEODOOR GGC AMSTERDAM, et al.,

Defendants.

Adv. Pro. No. 10-03496 (CGM)

Administratively Consolidated

ORAL ARGUMENT REQUESTED

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

HSBC PRIVATE BANK SUISSE S.A., et al.,

Defendants.

Adv. Pro. No. 10-03633 (CGM)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, pursuant to this Court's September 28, 2021 Order, upon the accompanying Memorandum of Law in Support of HSBC Private Bank Suisse S.A.'s Motion to Dismiss for Lack of Personal Jurisdiction Under Rule 12(b)(2) and the Declaration of George Rajah in Support of HSBC Private Bank Suisse S.A.'s Motion to Dismiss for Lack of Personal

Jurisdiction, defendant HSBC Private Bank Suisse S.A. will move this Court for an order dismissing the Fourth Amended Complaint (Dkt. 143) filed by Fairfield Sentry Ltd. and Fairfield Sigma Ltd., by and through Kenneth M. Krys and Greig Mitchell, and the Liquidators, solely in their capacities as the liquidators for Fairfield Sentry Ltd. and Fairfield Sigma Ltd., pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that this motion is without prejudice to HSBC Private Bank Suisse S.A.'s right to seek dismissal for failure to state a claim, or on other grounds, and that such defenses are expressly preserved.

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PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, HSBC Private Bank Suisse S.A. does not consent to the entry of final orders or judgment by this Court.

Dated: October 29, 2021
New York, NY

Respectfully submitted,

CLEARY GOTTLIB STEEN &
HAMILTON LLP

By: /s/ Jeffrey A. Rosenthal

Jeffrey A. Rosenthal
Joseph M. Kay
Christine M. Jordan
JD Colavecchio
One Liberty Plaza
New York, NY 10006
T: 212-225-2000
F: 212-225-3999
jrosenthal@cgsh.com
jkay@cgsh.com
cjordan@cgsh.com
jdcolavecchio@cgsh.com

Nowell D. Bamberger
2112 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
T: 202-974-1500
F: 202-974-1999
nbamberger@cgsh.com

*Counsel for Defendant HSBC Private Bank
Suisse S.A.*

TO: All Counsel of Record